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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/736,116	12/16/2003	Josef Maatuk		3623	
7590 07/20/2006			EXAM	EXAMINER	
JOSEF MAATUK			WEST, PAUL M		
1607 S. SHERBOURNE Dr. LOS ANGELES, CA 90035			ART UNIT	PAPER NUMBER	
			2856	2856	
			DATE MAILED: 07/20/200	DATE MAILED: 07/20/2006	

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	10/736,116	MAATUK, JOSEF				
Office Action Summary	Examiner	Art Unit				
	Paul M. West	2856				
 The MAILING DATE of this communication app Period for Reply 	pears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPL' WHICHEVER IS LONGER, FROM THE MAILING D. Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be timwill apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	l. the mailing date of this communication. (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 24 M	larch 2006					
	action is non-final.					
·=	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
. —	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims	,					
•	re pending in the application					
4) Claim(s) <u>16-18,20,22,23,25-29 and 31-39</u> is/are pending in the application.						
4a) Of the above claim(s) <u>22,23 and 25-29</u> is/are withdrawn from consideration.						
5) Claim(s) is/are allowed. 6) Claim(s) 16.18.20 and 31.30 is/are rejected.						
	i) Claim(s) 16-18,20 and 31-39 is/are rejected.					
• • • • • • • • • • • • • • • • • • • •	☐ Claim(s) is/are objected to. ☐ Claim(s) are subject to restriction and/or election requirement.					
	r cicolon requirement.					
Application Papers						
9)☐ The specification is objected to by the Examine						
10) The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correc						
11) The oath or declaration is objected to by the Ex	caminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s)/Mail Date						
 Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) 	ate atent Application (PTO-152)					
Paper No(s)/Mail Date 6) Other:						

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DETAILED ACTION

1. Claims 16-18, 20 and 31-39 are rejected under 35 U.S.C. 135(b) as being made more than one year from the date on which U.S. Patent No. 6,546,796 was granted. See *In re McGrew*, 120 F.3d 1236, 1238, 43 USPQ2d 1632,1635 (Fed. Cir. 1997) where the Court held that the application of 35 U.S.C. 135(b) is not limited to *inter partes* interference proceedings, but may be used as a basis for *ex parte* rejections.

2. The new or amended claims above were made more than one year from the patent date of U.S Patent No. 6,546,796 and therefore cannot be used to suggest an interference with said Patent. Furthermore, none of the claims which were made in the instant application prior to the expiration of the one year period, are considered to have the same or substantially the same subject matter as any of the claims in the Patent No. 6,546,796.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul M. West whose telephone number is (571) 272-8590. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HEZRON WILLIAMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

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